

HOUSE BILL 2439

By Maggart

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 39, relative to the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-39-202, is amended by adding the following new subdivision and by renumbering subsequent subdivisions accordingly:

() "Physical presence" means that an offender has entered this state for any purpose for two (2) or more consecutive days;

SECTION 2. Tennessee Code Annotated, Section 40-39-202, is amended by deleting subdivision (20)(A)(iii), such subdivision being the definition of "sexual offense" and substituting instead the following:

(iii) Aggravated prostitution, under § 39-13-516, provided the offense occurred prior to July 1, 2010;

SECTION 3. Tennessee Code Annotated, Section 40-39-202, is amended by adding the following new subdivisions to subdivision (28), such subdivision being the definition of "violent sexual offender":

(X) Aggravated prostitution, under § 39-13-516, provided the offense occurs on or after July 1, 2010;

(Y) Trafficking for sexual servitude, under § 39-13-309;

SECTION 4. Tennessee Code Annotated, Section 40-39-203, is amended by deleting subdivision (i)(1) and substituting instead the following:

(1) Complete name and all aliases, including, but not limited to, any names that the offender may have had or currently has by reason of marriage or otherwise, including pseudonyms and ethnic or tribal names;

SECTION 5. Tennessee Code Annotated, Section 40-39-203, is amended by adding the following new subdivisions to subsection (i):

(20) Copies of all passports and immigration documents; and

(21) Professional licensing information that authorizes an offender to engage in an occupation or carry out a trade or business.

SECTION 6. Tennessee Code Annotated, Section 40-39-206, is amended by deleting from subsection (e) the language “(e)(1)—(13)” both times it appears and by substituting instead the language “(e)(1)—(15)” both times it appears in such subsection.

SECTION 7. Tennessee Code Annotated, Section 40-39-206, is amended by deleting subdivision (e)(1) and substituting instead the following:

(1) The offender’s complete name, as well as any aliases, including, but not limited to, any names that the offender may have had or currently has by reason of marriage or otherwise, including pseudonyms and ethnic or tribal names;

SECTION 8. Tennessee Code Annotated, Section 40-39-206, is amended by adding the following new subdivisions to subsection (e):

(14) The address of the offender’s employer or employers; and

(15) The license plate number and a description of all of the offender’s vehicles.

SECTION 9. Tennessee Code Annotated, Section 40-39-212, is amended by deleting the language “a qualifying offense in § 40-39-202(20) or § 40-39-202(28), shall be required to register with a registering agency.” wherever it appears and substituting instead the language “a sexual offense as defined by § 40-39-202 or a violent sexual offense as defined by § 40-39-202, shall be required to register with a registering agency.”.

SECTION 10. Tennessee Code Annotated, Section 40-39-213, is amended by deleting the section in its entirety and substituting instead the following:

(a) Every offender required to register pursuant to this part who is a resident of this state, and who is eligible, shall be responsible for obtaining a valid driver license or photo identification card that has been properly designated by the department of safety pursuant to § 55-50-353. Every offender eligible to receive the license or identification card shall always have the license or identification card in the offender's possession. If the offender is ineligible to be issued a driver license or photo identification card, the department shall provide the offender some other form of identification card or documentation that, if it is kept in the offender's possession, will satisfy the requirements of this section and § 55-50-353; such identification must be kept in the offender's possession at all times. If any offender is determined to be indigent, an identification card or other documentation in lieu of an identification card shall be issued to the offender at no cost.

(b) A violation of subsection (a) is a Class E felony punishable by fine only of not less than two hundred fifty dollars (\$250).

(c) Every offender required to register pursuant to this part shall have obtained the documentation required by § 40-39-213 and presented it to the offender's registering agency by October 31, 2010.

SECTION 11. This act shall take effect on July 1, 2010, the public welfare requiring it.